

MATTHEW HOUSTON

Name

TLVCC - PO BOX 208

INDIAN SPRINGS, NV 89070

1210652

Prison Number

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
AUG - 8 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MATTHEW HOUSTON

Plaintiff,

vs.

WARDEN JERRY HOWELL

SECRETARY JAMES DZURENADA

NDOC, CASA GRANDE

CASE MGMT CHILDERS

HERNANDES, CCDC

Defendant(s).

**2:19-cv-01371-JAD-DJA**

CIVIL RIGHTS COMPLAINT  
PURSUANT TO  
42 U.S.C. § 1983

**A. JURISDICTION**

- 1) This complaint alleges that the civil rights of Plaintiff, MATTHEW HOUSTON,  
(Print Plaintiff's name)

who presently resides at T. L. V. C. C. INDIAN SPRINGS, NV were

violated by the actions of the below named individuals which were directed against

Plaintiff at T.L.V.C.C., INDIAN SPRINGS, NV on the following dates  
(institution/city where violation occurred)

9-20-2016 to 1/16/19 (Count I), 1/11/2019 TO PRESENT INCARCERATION (Count II), and ARRAID (Count III)

Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

2) Defendant JERRY HOWELL resides at LAS VEGAS, NV  
(full name of first defendant) (address if first defendant)  
and is employed as WARDEN, SDCC (MDC). This defendant is sued in his/her  
(defendant's position and title, if any)  
\_\_\_ individual X official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: TITLE 42 U.S.C. § 12132

3) Defendant JAMES DZURENADA resides at CARSON CITY, NV  
(full name of first defendant) (address if first defendant)  
and is employed as SECRETARY, NDOC. This defendant is sued in his/her  
(defendant's position and title, if any)  
\_\_\_ individual X official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: TITLE 42 U.S.C. § 12132

4) Defendant CHILDERS/HERNANDEZ resides at LAS VEGAS, NV  
(full name of first defendant) (address if first defendant)  
and is employed as \_\_\_\_\_. This defendant is sued in his/her  
(defendant's position and title, if any)  
\_\_\_ individual X official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: TITLE 42 U.S.C. § 12132

5) Defendant CASAGRANDE TRANSITION <sup>House</sup> resides at LAS VEGAS, NV  
(full name of first defendant) (address if first defendant)  
and is employed as NDOC FACILITY. This defendant is sued in his/her  
(defendant's position and title, if any)  
\_\_\_ individual X official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: TITLE 42 U.S.C. § 12132

6) Defendant C.C.D.C. resides at LAS VEGAS, NV,  
 (full name of first defendant) (address if first defendant)  
 and is employed as METRO JAIL. This defendant is sued in his/her  
 (defendant's position and title, if any)  
 \_\_\_ individual \_\_\_ official capacity. (Check one or both). Explain how this defendant was  
 acting

under color of law: TITLE 42 U.S.C. § 12132

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

TITLE 42 U.S.C. § 12132

#### B. NATURE OF THE CASE

1) Briefly state the background of your case.

SINCE MY DUI CHARGE ON 9-20-2016, NONE OF THOSE INVOLVED  
HAVE RESPONDED TO MY REQUESTS FOR ACCOMMODATION UNDER ADA(1990)  
INEFFECTIVE COUNSEL, DE LA GARZA DENYING MENTAL HEALTH COURT  
FOR NO REASON WAS MALICIOUS PERSILUTION. ALLEGED PRESUMPTIONS OF  
PROBATION VIOLATION WERE FALSE, RESULTING IN WRONGFUL CONVICTION.  
BEING DENIED CSEA GRANDE BECAUSE OF EXPIRED PSYCH HXND  
VIOLATED AR 650+ NDOC NOT RESPONDING TO GRIVANCES VIOLATED  
AR 740. ADA(1990) AND DOC 2734. BEING HELD ILLEGALLY  
4 MONTHS PAST P.E.O. 3-31-2019 IS CAUSING INMATE OVERSTAY,  
ADDING TO MY LEVEL OF EMOTIONAL DISTRESS. PNP REFUSING TO  
APPROVE MY RELEASE TO CATHOLIC CHARITIES SHELTER IS  
DISCRIMINATION/PREJUDICE TOWARDS HOMELESS INDIGENT

#### C. CAUSE OF ACTION

COUNT I

The following civil rights has been violated: XIV<sup>th</sup> AMENDMENT TO UNITED STATES CONSTITUTION, AMERICANS DISABILITY ACT OF 1990

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

I'M RESTRICTED OF MY LIFE, LIBERTY AND PROPERTY, WHICH GUARANTEES THAT NO STATE SHALL "DEPRIVE ANY PERSON OF THE MINIMUM PROCEDURAL DUE PROCESS- CLAUSE OF THE XIV AMENDMENT TO THE U.S.C.A. (SEE WOLFF VS. McDONNELL, 410 U.S. § 539, 2976 (1974) THE TOUCHSTONE OF DUE PROCESS IS PROTECTION OF AN INDIVIDUAL AGAINST ARBITRARY ACTION OF GOVERNMENT (SEE ADDITIONALLY MORRISSEY V. BREWER, 408 U.S. § 471, 481-1972) I HAVE BEEN DENIED MY FREEDOM BECAUSE THE RESPONDENTS CLAIM/CASE SHOULD HAVE HAD ME IN MENTAL HEALTH COURT AND/OR CASA GRANDE PRIOR TO MY PAROLE ELIGIBILITY, 3-31-2019. NO DISABILITY PROGRAMMING @ I.L.V.C.C. AB 658.01(A) DISABILITY(D) PHYSICAL AND MENTAL IMPAIRMENTS. CASA GRANDE REFUSING ME HOUSING IS VIOLATION OF SECRETARY DE LUARMA'S AGREEMENT 5-15-18-(E) REASONABLE ACCOMODATION LIBERTY INTEREST, SEE VITBA VS. JONES, 445 U.S. § 480 (1980), TITLE II OF A.D.A., SEE DUFFY VS. RIVELAND, 98 F 3d 447, 455 (9TH 1996). PAP DENYING MY RELEDE TO HOMELESS SHELTER IS DISCRIMINATION.

## COUNT II

The following civil rights has been violated: VIII<sup>TH</sup> AMENDMENT OF  
THE U.S. CONSTITUTION

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

CAUEL AND UNUSUAL PUNISHMENT SINCE VARIOUS  
JUSTICE OF THE PEACE, JUDGES AND OFFICERS OF THE  
COURT, PROBATION SAW FIT THAT I SHOULD BE INCARCERATED  
KNOWING MY CASE DID NOT CONSTITUTE A CRIME (SEE  
THOMPSON VS. OKLAHOMA APPEAL(SUPRA) MY BEING TERMINATED  
FROM SERIOUS OFFENDERS PROGRAM WAS A RESULT OF  
FALSE ACCUSATIONS, PRESUMPTIONS WITHOUT BEING FACTUAL,  
AND DEFAMATION OF CHARACTER. NOT SUBMITTING ME  
TO MENTAL HEALTH COURT WAS MALICIOUS PERSILUTION,  
ALSO WAS INEFFECTIVE COUNSEL WHEN UNNAMED  
ATTORNEY REPLACED ANDREW FLAHERTY, ESQ.  
PUBLIC DEFENDER ALEX BASSETT, ESQ. WAS NOT  
INFORMED OF MY SUPPOSED PROBATION VIOLATIONS  
AND NOT ABLE TO DEFEND ME PROPERLY.  
SINCE ORIGINAL CHARGE 9-20-2016 NO OFFICERS OF  
THE COURT OR CCDC OR MDOC HAS ANSWERED MY  
REQUESTS FOR ACCOMODATION, IGNORING A.D.A.(1990)

## COUNT III

The following civil rights has been violated: XIV AMENDMENT TO THE UNITED STATES CONSTITUTION, ARTICLE I § 8 NEVADA CONSTITUTION, PROVISIONAL RIGHTS

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

BY IGNORING THE FACT THAT I'M IN NEED OF BEING IN "SAID" FACILITY, RESTITUTION CENTER TO BE REINTEGRATED BACK INTO SOCIETY BECAUSE I MEET THE CRITERIA: PSYCH MEDS, PSYCH HOLD, MEDICAL STATUS SHOULD NOT PRECLUDE ME FROM GOING, PURSUANT TO MY PSYCHIATRIST/PSYCHOLOGIST, SECRETARY OF MPOC, AND DR. ARANAS WHO SIGNED "SAID" AGREEMENT WITH U.S. DEPT. OF JUSTICE, TO CONFORM WITH AMERICANS WITH DISABILITY ACT, I.E. DELIBERATE INDIFFERENCE (SEE) STARK VS. BACA 652 F3d. 1202, 1207 (9TH CIR 2011) AND COLWELL VS. BANNISTER, 763 F3d 1060, 1063; 1068 (9TH CIR 2014) (SEE) ESTELLE VS. GAMBLE CONTROLLING, I MOVE THIS COURT TO RELEASE PRISONER FROM THE UNNECESSARY RESTRAINT TO THE COMMUNITY 429 U.S. § 97, 106, 97 S.C.T. 285 (1976)

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D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? \_\_\_\_ Yes X No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

outline).

- a) Defendants: \_\_\_\_\_
- b) Name of court and docket number: \_\_\_\_\_
- c) Disposition (for example, was the case dismissed , appealed or is it still pending?):  
\_\_\_\_\_
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

- 2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?**  
\_\_\_\_ Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_

- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ☒ Yes ☐ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) \_\_\_\_\_ disciplinary hearing; (2) \_\_\_\_\_ state or federal court decision; (3) \_\_\_\_\_ state or federal law or regulation; (4) \_\_\_\_\_ parole board decision; or (5) \_\_\_\_\_ other \_\_\_\_\_.

If your answer is "Yes", provide the following information. Grievance Number \_\_\_\_\_.

Date and institution where grievance was filed 6 JUNE 6TH, 2019 @ TLVCC.  
JUNE 1ST, 2019 @ TLVCC, ADDITIONAL COMPLAINTS

Response to grievance: ADMINISTRATION IS NOT RESPONDING  
TO MY GRIEVANCES WITHIN 45 DAY TIME  
PERIOD TO RESPOND, WHICH IS VIOLATION OF



AR 740. CASEWORKERS ARE NOT RESPONDING  
TO KITES NEITHER ARE/ PnP (PROBATION AND PAROLE)

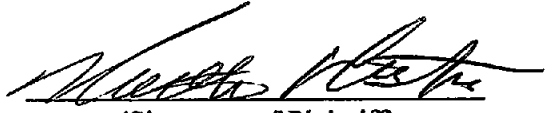
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**E. REQUEST FOR RELIEF**

I believe that I am entitled to the following relief:

\$1,000 PER DAY OF INCARCERATION DURING  
INMATE OVERSTAY FROM MARCH 31<sup>ST</sup>, 2019  
TO THE PRESENT DATE OR WHEN RELEASED.  
NOMINAL DAMAGES AND COMPENSATORY  
DAMAGES. AN EXPLANATION FOR RACIST  
AND DISCRIMINATORY BEHAVIOR AND AN ANSWER  
AS TO WHY PnP+NDoc FEEL THE HOMELESS INDIGENT  
ARE TO BE TREATED AS LESS THAN HUMAN.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

MATTHEW HOUSTON  
(Name of Person who prepared or helped  
prepare this complaint if not Plaintiff)

  
(Signature of Plaintiff)

7-23-2019  
(Date)

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(Additional space if needed; identify what is being continued)

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CERTIFICATE OF SERVICE

I, MATTHEW HOUSTON, hereby certify that I am the  
Petitioner in this matter and I am representing myself *in propria persona*.

On this 23<sup>rd</sup> day of JULY, 2019, I served copies of  
the CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C.  
§1983.

in Case No. \_\_\_\_\_, and placed said document(s) in the United States  
Mail, first-class postage prepaid, addressed as follows:

DEBRA K. KEMP  
CLERK OF THE COURT  
US DISTRICT COURT  
333 LAS VEGAS BLVD S. ROOM #1334  
LAS VEGAS, NV 89101

DECLARATION UNDER PENALTY OF PERJURY

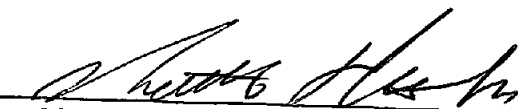
The undersigned declares under penalty of perjury that he is the Petitioner in the  
above-entitled action, and he has read this Certificate of Service and the information  
contained therein is true and correct.

Executed pursuant to 28 U.S.C. § 1746 and 18 U.S.C. § 1621 at

T.L.V.C.C.

on this 23<sup>rd</sup> day of

JULY, 2019

  
MATTHEW HOUSTON CC No 1210652

Petitioner - *In Propria Persona*